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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
PROSKAUER ROSE LLP,

Plaintiff,

v.

JONATHAN O'BRIEN,

Defendant.

----- X

1:22-cv-10918-AT-SLC

ORDER FOR PRELIMINARY INJUNCTION

Based on the Court's findings that (1) Defendant Jonathan O'Brien was an officer and employee of Plaintiff Proskauer Rose LLP ("Proskauer") who likely misappropriated highly sensitive and valuable trade secrets and confidential information in the days leading up to his resignation by downloading and/or recruiting and directing his subordinates to assist him in downloading files containing such trade secrets and confidential information to removable media, (2) Mr. O'Brien likely has misappropriated trade secrets in violation of the Defense of Trade Secrets Act, 18 U.S.C. § 1839(5) ("DTSA"), (3) Proskauer is likely to succeed on its claims for trade secret misappropriation under the DTSA, and its claims for breach of fiduciary duty under New York law, (4) Proskauer has suffered injury from the misappropriation of its highly sensitive and valuable trade secrets and other confidential information and will continue to suffer irreparable injury if a preliminary injunction does not issue, (5) the balance of hardships weighs in Proskauer's favor since the risk to Proskauer is great if the confidential trade secret information is made public, and (6) injunctive relief would serve the public interest in protecting corporate secrecy, and pursuant to Rule 65 of the Federal Rules of Civil Procedure, it is hereby:

ORDERED that Mr. O'Brien, and anyone acting in concert or participation with Mr. O'Brien who receives notice of this Order, refrain from engaging in further acts of misappropriation of any of Proskauer's proprietary, confidential and/or trade secret information;

ORDERED that Mr. O'Brien, and anyone acting in concert or participation with Mr. O'Brien who receives notice of this Order, refrain from using, copying, reviewing, or disclosing any of Proskauer's proprietary, confidential, and/or trade secret information;

ORDERED that Mr. O'Brien, and anyone acting in concert or participation with Mr. O'Brien who receives notice of this Order, account for any and all of Proskauer's proprietary, confidential and/or trade secret information currently in his or her custody or control, or in the alternative, produce for immediate inspection and imaging all computers and/or other electronic devices belonging to, under the control of, accessible to, or operated by him, including his home computer(s) and/or other electronic devices capable of transmitting and/or storing information;

ORDERED that Mr. O'Brien, and anyone acting in concert of participation with Mr. O'Brien who receives notice of this Order, is preliminarily restrained from working or consulting for any person or business (a) to whom he has disclosed or discussed any of the materials he copied from Proskauer's computer systems, or (b) with whom, on or after December 5, 2022 through the date of this order, he discussed any employment or consulting arrangement and in any way mentioned or suggested he obtained information in the course of his employment with Proskauer.

IT IS FURTHER ORDERED that Proskauer is not required to provide an undertaking in support of this injunction.

Dated: New York, New York
January 27, 2023

SO ORDERED



Judge Analisa Torres
United States District Judge